

Notice of Allowability

Application No.

09/808,515

Applicant(s)

FUSTOLO, STEVEN C.

Examiner

Cameron Saadat

Art Unit

3715

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Request for continued examination filed 12/12/2005.
2. ☒ The allowed claim(s) is/are 1-15 and 17-32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Margaret M. Slezak on January 23, 2006. The application has been amended in the claims as follows:

Claim 1: line 17, replace "the subject matter" with -- subject matter --

line 18, replace "the software" with -- the system --

line 24, replace "the occurrence" with -- an occurrence --

Claim 32, line 15, replace "the subject matter" with -- subject matter --

line 24, replace "the occurrence" with -- an occurrence --

REASONS FOR ALLOWANCE

Applicant's arguments, filed 12/12/2005, with respect to claims 1-15 and 17-32 have been fully considered and are persuasive. Independent claims 1 and 32 and their respective dependent claims are allowed. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach the specific combination of elements as claimed in independent claims 1 and 32. In particular, the prior art fails to teach *inter alia* a system and method for delivering an educational program to a participant at a remote site and monitoring the participant's use of the educational program, wherein the system provides a prompting means for prompting the participant for a response during delivery of the educational program, wherein the response does not require knowledge of subject matter of the educational program; terminating the educational program if no response or an inadequate response is received; and recording an occurrence of an adequate response in a verification storage means if an adequate response is received and proceeding with the educational

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program; wherein program credit is awarded to the participant if the participant adequately responds to all of the prompts, such that the educational program is viewed in its entirety. The closest prior art of record, Cannon et al., does not disclose the claimed features. Cannon discloses a system wherein a user views content of an educational program for a specified time period in order to earn credits for viewing non-educational programs as a reward. Cannon's system includes the ability to track mouse clicks, keyboard inputs, and window size during delivery of the educational program to ensure that a user is paying attention to the educational program (See Cannon, Col. 4, lines 12-17; Col. 5, line 61 – Col 6, line 5). In contrast, claims 1 and 32 include the features of *prompting the participant for a response during delivery of the educational program, wherein the response does not require knowledge of subject matter of the educational program; terminating the educational program if no response or an inadequate response is received*; and recording an occurrence of an adequate response in a verification storage means if an adequate response is received and proceeding with the educational program; wherein program credit is awarded to the participant if the participant adequately responds to all of the prompts, such that the educational program is viewed in its entirety.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is (571) 272-4443. The examiner can normally be reached on M-F 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cameron Saadat
January 23, 2006


MONICA CARTER
SUPERVISORY PATENT EXAMINER